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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,073

01/23/2004

Gary Xiao-Liang Zhang

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EXAMINER

PASIA, REDENTOR M

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/764,073	Applicant(s) ZHANG, GARY XIAO-LIANG	
	Examiner Redentor M. Pasia	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 3-4, and 5-6 are objected to because of the following informalities:

As to claims 3 and 4, the examiner suggests that "scheme" should be replaced with "method" and that the said claim should be in format similar to a method claim.

As to claim 5, "*auxillary*" should be corrected to "*auxiliary*".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for MPEG-4 videos, does not reasonably provide enablement for all types of multimedia. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the

Art Unit: 2616

invention commensurate in scope with these claims. The specification only refers to MPEG4 type videos and does not further explain on how the invention is applicable to all types of media. The examiner has applied old type of media in examining claim 4.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the bitstream" in page 14, line 18.

Claim 5 recites the limitation "such data" in page 14, line 21 and "the presentation" in page 14, line 22. It is not clear what "the presentation" is.

There is insufficient antecedent basis for this limitation in the claim.

Claims 3-6 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claims are generally narrative and indefinite, failing to conform to current U.S. current practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a

Art Unit: 2616

manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being a hybrid claim since no clear steps or flowchart is present in the figure (figure 6) where the claim was referring to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by
Gunaseelan et al. (US 2002/0097750 A1; hereinafter Gunaseelan).

As to claim 1, Gunaseelan shows a novel dual-stream method of streaming variable-rate data (Par. 0005, 0014; Figure 7).

As to claim 2, Gunaseelan shows that the dual-stream method of claim 1, which is extendable to multiple streams (Par. 0005, 0016, 0017; Figures 9-10).

As to claim 3, Gunaseelan shows a scheme to send parts of a stream with locally large bandwidth over one or more auxiliary channels while the rest of the data in that stream is sent over one or more base channels (Figures 2 and 3; col. 7, lines 27-48; col. 7, line 52 to col. 8, line 3).

As to claim 4, Gunaseelan shows that it is applicable to all types of multimedia where quality-sensitive material requires localized high bitrates as compared to the average bitrate requirement of the bitstream (The examiner interprets this claim as claiming multimedia content/data type that normally uses higher bitrates/bandwidth (i.e. streaming video, audio, etc.); Par. 0023, 0026, 0032).

Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Pugel (US 7215679 B2; hereinafter Pugel).

As to claim 5, Pugel shows a method to maximize use of all available bandwidths to pre-stream such data in an auxiliary channel while streaming the rest of the presentation along a main channel (Figure 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elbaz et al. (US 6757005 B1) – note abstract;

Korst et al. (US 6477541 B1) – note abstract;

Bridges et al. (US 7212548 B2) – note abstract.

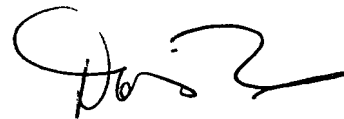
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redentor M. Pasia whose telephone number is 571-272-9745. The examiner can normally be reached on M-F 7:30am to 5:00pm EST, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571)272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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